

Section 28 Fitness to Study policy

28.1 Purpose

- 28.1.1 The University is committed to supporting its students and recognises the importance of students' health and wellbeing in relation to their academic progression. It has a responsibility to respond appropriately to situations where a student's illness, disability or psychological or emotional state may have a profoundly challenging impact on the individual student and/or the wellbeing of the wider University community.
- 28.1.2 The purpose of the 'Fitness to study policy' is to investigate risk to the health, safety and wellbeing of a student or other students, or to the activities of the University. The policy is used to coordinate relevant departments and services to manage risk.

28.2 Scope

- 28.2.1 This policy applies to students enrolled on programmes for assessments delivered in whole by the University.
- 28.2.2 The equivalent procedure to be followed in relation to programmes delivered by a franchise partner institution (franchise provision), or by a validated partner organisation (validated provision) will be set out in the programme documentation provided by the partner.

28.3 Policy

- 28.3.1 A student's behaviour may also breach the [Student Disciplinary Procedure](#). Other procedures, such as 'Fitness to Practise' (see [section 29](#)), may also be relevant. The University reserves the right to decide the appropriate procedure to use in any given student case.
- 28.3.2 As a general rule, this policy is only intended for use in cases in which the behaviour, disruption or risk presented by the student is perceived to be of a serious or potentially serious nature or where there are serious ongoing health concerns. Where possible, the support services available to students should be used as the first port of call prior to taking any formal action. It should be remembered that mental health conditions may meet the legal definition of disabilities under the Equality Act 2010. The University is mindful of its obligations to avoid discrimination on the grounds of disability.
- 28.3.3 Fitness to study, as a term, relates to the entire student experience, encompassing ability to engage with studying, to live independently and harmoniously with others and not to have an adverse impact on others.
- 28.3.4 A student's fitness to study may be questioned if any of the following arise:
- Health problems or behaviour disrupt the student's own study.
 - Health problems or behaviour affect the study of other students.
 - Health problems or behaviour place unreasonable demands on staff or other students.
- 28.3.5 The University has a duty of care to its community and is bound by health and safety legislation which means it is obliged to act if a student presents a risk to themselves or others.
- 28.3.6 The 'Fitness to Study' procedure detailed below has 3 levels. Depending upon the perceived severity of the situation and seriousness of any perceived risks, action may be initiated at any of the 3 levels. The 3 stages reflect the seriousness of the risk presented by the student and their responsiveness to interventions from the University. If the student fails to cooperate or absents themselves from engaging with the University at any point in the procedure, the University may continue with the process in their absence.
- 28.3.7 If concerns are raised while a student is on placement, where the University's ability to engage with the student may be limited, the University will discuss with the placement provider alternative arrangements that might address any concerns. If concerns that are raised are of a serious nature, the University will remove the student from the placement.

- 28.3.8 A student will be given **5 working days'** notice of any 'Case Review' meetings. The student may choose to be accompanied by a supporter at any meeting conducted in connection. This person should be a current member of staff, a current registered student at the University, or a Students' Union representative. The supporter's role is to observe and provide moral support. They cannot ask questions, interpret the student's responses, or speak on the student's behalf. If the student's supporter behaves inappropriately at any stage during the meeting, that person will be asked to withdraw their involvement. Consent to representation will not be unreasonably withheld or withdrawn. They will also be provided with copies of the relevant documentation.
- 28.3.9 In cases where the University requires a specialist opinion/medical assessment of the student, a student may be asked to submit themselves for a medical examination by a doctor/specialist nominated by the University. The University will bear the cost of such an assessment. A medical assessment will seek to establish the following:
- The nature and extent of any medical condition that the student is experiencing.
 - Prognosis of their medical condition.
 - The extent to which it affects their ability to study and live within the University community independently.
 - Impact or risk it may have on others.
 - The level and type of support a student requires to enable them to continue to study effectively.
- 28.3.10 The University may enact the following outcomes:
- a) In the informal stages a student may be kept under review and expected to access the support provided.
 - b) In the formal stage of the procedure, the University may:
 - Require the student to suspend their studies (enforced suspension), or
 - Require the student to externally resit
 - Expel the student where the risk posed by the student to themselves or others is considered serious enough, or
 - Take other action the University deems appropriate to the circumstances.
- 28.3.11 Enforced suspension or enforced external resits may only be recommended if the student can still complete all study and assessments within 24 months following the standard period of study for their programme (see [General Regulation 1.15](#)).
- 28.3.12 A student will have the right of appeal against any decision to enforce suspension or exclude them from the University, using the standard university 'Appeals Policy' and procedure (see [section 58](#)).
- 28.3.13 The University acknowledges that as a result of implementing this policy it will receive personal data of a confidential nature pertaining to the student and it undertakes that all data will be handled, processed and stored appropriately.
- 28.3.14 When an action plan or other measure taken under this procedure has come to an end, the University will decide whether further steps should be taken or whether the 'Fitness to Study' procedure is no longer required in respect of the student. The procedure may be re-invoked if concerns arise again.

Return to study

- 28.3.15 Return to study after a period of enforced or voluntary suspension of studies will be subject to satisfactory outcome from a Return to Study Case Review meeting.

Crisis situations

- 28.3.16 It is possible that a student's situation is so extreme that they require emergency help from external agencies. In these situations, staff members are referred to the [Staff Intranet](#).

28.4 Fitness to study procedures

Stage 1 – Emerging concerns

28.4.1 At this stage, concerns have been raised about an individual student's health, safety or wellbeing. Examples of this could include but are not limited to the following:

- A member of staff notices signs of an individual student's behaviour changing in the academic situation.
- Students or third parties may have approached university staff to raise concerns about a student's behaviour.
- A student's academic performance has deteriorated suddenly and significantly.
- Problems arise within student accommodation and are noticed by accommodation staff.
- A placement provider notices signs of an individual student's behaviour changing in the placement situation
- Concerns raised by the Exceptional Circumstances Panel following multiple exceptional circumstances claims on the same or similar health grounds

28.4.2 At this stage, the emphasis should be on approaching the student in a supportive manner. It is preferable that a member of staff with primary responsibility or knowledge of the individual student should approach them for an informal meeting. This may include, for example, the Programme/Course lead, Academic Tutor, or an appropriate member of the Student Access, Wellbeing and Support or Disability Support and Inclusion teams. The nature of the concerns should be clearly identified to the student and the student should be encouraged to discuss the issues. Information regarding sources of support, both internal and external to the University, may be discussed and the student encouraged to access appropriate support. In a situation where the School is unaware of the student's problems, the student will be encouraged to discuss their situation with an appropriate academic or to give consent for a staff member to discuss the concerns with the programme team. Where a student does not consent to disclosure to the programme team, the programme team will usually only be informed that the student is currently subject to the 'Fitness to Study' procedure, with the details remaining confidential.

28.4.3 The member of staff should informally review the case within a specified timeframe, to be agreed in the meeting, and monitor the student's response to the intervention. If the student responds positively and there are no further concerns, the staff member may decide not to proceed any further under the 'Fitness to Study' procedure.

28.4.4 In light of the student not responding positively, the staff member involved in the initial consultation will discuss the situation with Wellbeing Manager (if not already involved) and/or other senior members of staff it is deemed appropriate to include to determine if it is appropriate to invoke Stage 2 of the procedure.

28.4.5 At this initial stage, if a student's behaviour gives cause for concern within a School and relates to poor participation and unsatisfactory academic performance, the 'Support to Study' procedure (see [section 27](#)) may be used. Should the Support to Study panel decide that the student's poor participation/performance seems to stem from issues with health and wellbeing, the student will normally be managed through the 'Fitness to Study Policy'.

Stage 2 – Formal / continuing concerns

28.4.6 At this stage, continuing concerns about the student's health, safety or mental wellbeing will be considered more formally.

28.4.7 The student will be asked to meet formally with at least 2 of the following staff members:

- Programme/Course Lead
- Head of Student Access, Wellbeing and Support
- Associate Head
- Wellbeing Manager
- Disability Support and Inclusion team Manager
- and/or other relevant staff members to discuss the issues e.g., Representative from Registry.

Other panel members may include:

- Administrative support
- If appropriate, a representative from the employer for degree apprenticeship students

At this meeting it can be ascertained what the student's perception of the impact of their ill health and/or behaviour is having upon themselves or the general university community.

- 28.4.8 An action plan will be put in place to address the situation. This will be embedded in a support agreement and will specify actions, dates for review and consequences for non-engagement with the agreement. It will include expectations for future behaviour. This will not affect the rights of the School to determine appropriate standards for the academic performance of the individual student and if necessary, call a Support to Study Phase 2 meeting ([section 27](#)).
- 28.4.9 A record of this meeting and the agreed action plan will be made with copies provided to the student and the staff members concerned. The action plan will state who is responsible for ensuring that the plan is followed; if it is not followed, or if the student does not respond positively to the action plan and difficulties continue, this person or their nominee will hold a Case Review meeting as set out in Stage 3.

Stage 3 – Formal Case Review

- 28.4.10 If significant or persistent concerns are raised about an individual student's actions or behaviours that put the student's own health, safety wellbeing or academic progress or those of other members of the University community at significant risk, the Programme/Course Lead or Wellbeing Manager or other appropriate staff member will convene a 'Fitness to Study Case Review' meeting. The Case Review will assess the student's fitness to study.
- 28.4.11 The panel will consist of some or all of the following (or their nominees):
- Programme/Course Lead
 - Wellbeing and Support Manager
 - Disability Support and Inclusion team Manager
 - Head of Student Access, Wellbeing and Support
 - Administrative support
 - Other relevant staff members (e.g., tutor, representative from Registry)
 - If appropriate, a representative from the employer for degree apprenticeship students

This panel may request medical evidence from the student that they are fit to study. The student may choose to be accompanied by a supporter at any meeting conducted. This person should be a current member of staff, a current registered student at the University, or a Students' Union representative. The supporter's role is to observe and provide moral support. They cannot ask questions, interpret the student's responses, or speak on the student's behalf. If the student's supporter behaves inappropriately at any stage during the meeting, that person will be asked to withdraw their involvement. Consent to representation will not be unreasonably withheld or withdrawn.

- 28.4.12 The Fitness to Study Case Review Panel will determine the following:
- a) Whether to agree an enhanced action plan to support the student with agreed review dates.
 - b) Whether to recommend an enforced suspension of the student's studies.
 - c) To terminate enrolment.
 - d) That no further action is required.
- 28.4.13 Enforced suspension may only be recommended if the student can still complete all study and assessments within 24 months following the standard period of study for their programme (see [General Regulation 1.15](#)).
- 28.4.14 After the review, the student will be invited to meet with the Programme/Course Lead or Wellbeing Manager, or other appropriate person to discuss the recommended actions from the 'Fitness to Study Case Review' meeting. The student may choose to be accompanied by a supporter at any meeting conducted. This person should be a current member of staff, a current registered student at the University, or a Students' Union representative. The supporter's role is to observe and provide moral support. They cannot ask questions, interpret the student's responses, or speak on the student's behalf. If the student's supporter behaves inappropriately at any stage during the meeting, that person will be asked to withdraw their involvement. Consent to representation will not be unreasonably withheld or withdrawn.
- 28.4.15 Stage 3 meetings and the resulting recommendations will always be minuted; draft minutes are normally approved **within 3 working days**, and minutes are normally published within **5 working days**. In some cases, the Visa and Compliance team will be consulted post-meeting and minutes cannot be released until this consultation has taken place. The student will receive a copy of the minutes of the meeting, which will be emailed to their university email address; the minutes will be placed on the student's e:Vision record.
- 28.4.16 Where there is a recommendation to enforce suspension or terminate the student's enrolment, this recommendation is reported to the Chair of the Progress and Award Examination Panel for a decision to be made. Following approval, the student will be informed in writing of the decision.

Return to study

- 28.4.17 Any enforced or voluntary suspension of studies will be subject to periodic review in the light of further developments or improvements in the student's situation and their ability to undertake academic study again.
- 28.4.18 When the student confirms their intention to return from a period of suspension of studies, a further Case Conference meeting will be convened to determine whether or not the student is fit to return to study. The panel membership will be on the same basis as that set out for the Case Review, above. Sufficient medical evidence will be required to verify that the student is fit to return to study.
- 28.4.19 Should the panel decide the student is not fit to return to study, this recommendation will be referred to the Chair of the Progress and Award Examination Panel for a decision.

Appeal

- 28.4.20 Students may appeal any decision taken following a Formal Case Review (Stage 3) through the standard university 'Appeals Policy' and procedure (see [section 58](#)). The deadline for appeals is **20 working days** from the time the student is notified of the decision.

28.5 Fitness to Study procedure flowchart

